

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN

In Re:

**FILED / REC'D**

ADAM KENNETH STEVENS and  
HEATHER LEIGH STEVENS

**FEB 22 2010**

CLERK, U.S.  
BANKRUPTCY COURT  
WD of WI

Debtors,

Bankruptcy Case No. 3-09-16401-rdm,  
Chapter 7  
Adversary Proceeding No. 3-10-00019-rdm

COUNTY OF LACROSSE

Plaintiff,

COMPLAINT TO DETERMINE  
DISCHARGEABILITY OF DEBT

v.

ADAM KENNETH STEVENS and  
HEATHER LEIGH STEVENS,

Defendants.

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**DEFENDANTS' RESPONSE AND AFFIRMATIVE DEFENSES**

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**RESPONSE**

Defendants Adam Kenneth Smith and Heather Leigh Stevens respond as follows to the allegations in the Complaint to Determine Dischargeability of Debt filed by the County of LaCrosse on January 19, 2010. The defendants state the following:

1. Answering Para. 1, are without knowledge or information sufficient to form a belief regarding the allegations.
2. Answering Para. 2, admit the allegation.
3. Answering Para. 3, admit the allegation.
4. Answering Para. 4, are without knowledge or information sufficient to form a belief regarding the allegations.

5. Answering Para. 5, deny the allegations.
6. Answering Para. 6, deny the allegations.
7. Answering Para. 7, are without knowledge or information sufficient to form a belief regarding the allegations.

#### **AFFIRMATIVE DEFENSES**

In their Affirmative Defensives defendants allege as follows:

1. Re-alleging as if set forth in this document Paragraphs 1-7 of the Complaint.
2. That on August 19, 2009, the La Crosse County Court ordered that the total “costs and expenses” of the Custody Assessment Team in the amount of \$3,993.67 be paid by La Crosse County.
3. That the La Crosse County Court ordered that Heather Stevens shall reimburse La Crosse County court for said amount.
4. That the La Crosse County Order is for “fees and costs of the Custody Assessment Team stemming from work performed subsequent to the recommendation hearing on this matter.”
5. That the August 14, 2009 does not refer to a “domestic support obligation” and the “fees and costs” incurred were for a child placement study, not support for the minor child.
6. That pursuant to 11 U.S.C. Section 523(a)(5), a domestic support obligation is an exception to discharge but such domestic support obligation is for “claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. 507(a)(1).
7. That the La Crosse County Order of August 14, 2009 was not for a “domestic support obligation” pursuant to 11 U.S.C. Section 523(a) (5) or 11 U.S.C. 507 (a) (1).

8. That La Crosse County has not stated a cause of action for which relief can be granted.

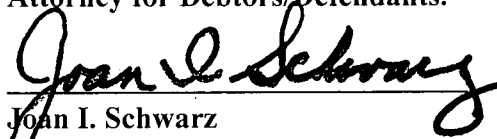
WHEREFORE, defendants request that the Court enter a judgment, as follows:

1. Declaring that the aforesaid La Crosse County Order, dated August 14, 2009, is a judgment for the fees and costs and as such, are dischargeable in this bankruptcy case or any other bankruptcy case filed by debtors;
2. Dismissing Plaintiff's Adversary Complaint on the merits and with prejudice;
3. Awarding statutory costs;
4. Awarding actual attorney fees and costs for defendants; and
5. Granting such other relief as is just and proper.

Dated this 19<sup>th</sup> day of February, 2010.

**SCHWARZ LAW OFFICE**  
Attorney for Debtors/Defendants.

BY:

  
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February 19, 2010

U.S. Bankruptcy Court  
U.S. Federal Courthouse  
120 N. Henry Street  
PO Box 548  
Madison, WI 53701

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CLERK, U.S.  
BANKRUPTCY COURT  
WD of WI

**RE: County of La Crosse vs. Adam Stevens and Heather Stevens**  
**Case No.3-09-16401-rdm**  
**Adversary Case No. 3-10-00019-rdm**

Dear Clerk:

Please find enclosed the original and two (2) copies of the Defendant's Response and Affirmative Defenses and Affidavit of Service in the aforementioned matter.

Please file the original in your usual manner and return the conformed copies in the self-addressed stamped envelope provided.

Thank you for your attention in this matter.

Sincerely,

**SCHWARZ LAW OFFICE**

*Joan I. Schwarz*

Joan I. Schwarz

JIS/mc

Enclosure: Defendant's Response and Affirmative Defenses (Original + 2 copies)  
Affidavit of Service (Original + 2 copies)

Cc: Attorney Michael E. Kepler  
Attorney David L. Lange  
United State Trustee  
Client